

A RESOLUTION AUTHORIZING
THE HOLDING OF AN
ELECTION PURSUANT TO
GENERAL ORDINANCE G-16-
92.

Failed

WHEREAS, the City of Fort Wayne Common Council adopted General Ordinance G-16-92 which provides, among other things, that "Professional employees shall cease to be part of any current bargaining unit upon a majority vote of such employees to cease being part of a unit that includes non-professional employees;"

WHEREAS, G-16-92 is silent with respect to the procedure to be followed in holding such an election;

WHEREAS, in General Ordinance G-54-92, the Common Council did identify certain positions as "Professional" which included sixteen (16) employees currently in a bargaining unit represented by the IAM;

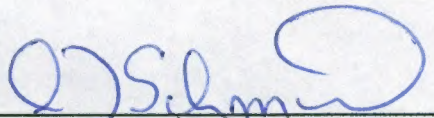
WHEREAS, an election has been scheduled for Thursday, December 10, 1992, at 01:30 P.M.;

WHEREAS, it was never the intent of the Common Council that the decertification provisions of General Ordinance G-23-92 apply to the election called for in G-16-92.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

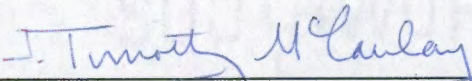
SECTION 1. The election scheduled for Thursday, December 10, 1992, at 01:30 P.M. to permit "Professional" employees to decide whether or not they wish to remain in the IAM bargaining unit is hereby approved and ratified as consistent with the intent of the Common Council in adopting General Ordinance G-16-92.

SECTION 2. The Clerk of the Common Council is
authorized to supervise said election and to count the
ballots cast therein.



Council Member

APPROVED AS TO FORM
AND LEGALITY



J. TIMOTHY MCCAULAY, CITY ATTORNEY

BILL NO. G-92-03-13 (AS AMENDED)

GENERAL ORDINANCE NO. G- 16-92

AN ORDINANCE PROVIDING
DEFINITIONS OF THE TERMS
"CONFIDENTIAL EMPLOYEE,"
"PROFESSIONAL EMPLOYEE,"
AND "SUPERVISORY EMPLOYEE"
USED IN THE CITY'S
COLLECTIVE BARGAINING
ORDINANCE AND RECOGNIZE
CERTAIN RIGHTS FOR
PROFESSIONAL EMPLOYEES.

WHEREAS, Section 20-16(a) of the City Code
provides that the City's collective bargaining ordinance
for non-safety employees applies to "all nonconfidential,
non-supervisory, and nonexempt employees of the city and
its utilities..."; and

WHEREAS, no definitions have been provided for
the terms "Confidential Employee," "Exempt Employee," or
"Supervisory Employee";

WHEREAS, the City desires to afford its
professional employees the same rights available to
professional employees under the NLRA; and

NOW THEREFORE BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Sections 20-16(a) and 20-16(b) of
the City Code are hereby amended to read as follows:

(a) Application: This section shall apply to all
non-confidential and non-supervisory employees of
the City and its utilities (other than those
represented by the PBA, the FOP, and IAFF Local 124
who are subject to a different section). This
section shall apply to the City of Fort Wayne and
all of its boards, commissions, authorities,
divisions and departments. The following
definitions shall apply to this section:

(a)(1) "Confidential employee," for the
purposes of this section, shall mean an
employee:

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- A. who works in the city's personnel office;
- B. who has access to confidential or discretionary information that may be used by the city in negotiating a collective bargaining agreement under this section;

- C. who works in a close and continuing working relationship with:

- (1) an individual holding elective office; or
- (2) individuals who represent the city in negotiations under this section;

- D. whose:

- (1) functional responsibilities; or
- (2) knowledge;

concerning employee relations makes the employee's membership in an employee organization incompatible with the employee's duties; or

- E. who is the personal secretary of:

- (1) a division or department head; or
- (2) an individual holding elected office.

(a)(2) "Professional Employee," for the purposes of this section, shall mean any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instructions and study in an institution of higher learning or a hospital, as distinguished from a general academic education or form an apprenticeship or from training in the performance of routine mental, manual, or physical processes.

(a)(3) "Safety Employee" shall mean a member of either the City's Police or Fire Department who is also a member of a police or fire pension fund.

(a)(4) "Supervisory Employee," for the purposes of this section, shall mean an individual having authority in the interest of the city, or its utilities, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct other employees, or to adjust employee grievances, or effectively to

recommend such action, if the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(b) Rights of Employees: Non-confidential and non-supervisory City employees shall have the right to bargain collectively with and to be represented by such labor organization or organizations as so selected by a majority of City employees in an appropriate bargaining unit. Professional employees may be included in a bargaining unit containing non-professional employees only if a majority of the professional employees vote to be so included. "Appropriate bargaining unit" shall be defined, for purposes herein, as a group of employees experiencing a commonality of work and job functions. The Common Council, upon recommendation of the Mayor, shall classify those positions that are "confidential," "professional," or "supervisory." In the event that an employee in such a position and/or a bargaining agent for the bargaining unit involved objects to such classification as recommended by the Mayor, the Common Council shall refer the dispute for mediation as provided in Sec. 20-16(h)(3). If the dispute is not resolved within thirty (30) days after it is referred to the mediation panel, the Common Council shall take action thereon which action shall be final and shall not be subject to grievance or arbitration.

SECTION 2. Any job position currently covered by a collective bargaining agreement that would be considered confidential or supervisory under these definitions shall cease to be part of any bargaining unit upon Common Council approval of such classification, and no union fees shall thereafter be deducted from said employee's paycheck. Professional employees shall cease to be part of any current bargaining unit upon a majority vote of such employees to cease being part of a unit that includes nonprofessional employees.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and shall apply to all agreements entered into after its effective date.

Clitus R. Edmonds
Council Member

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay
J. Timothy McCaulay

Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time by _____,
title and referred to the Committee on _____ (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Common Council Conference Room 128, City-County
Building, Fort Wayne, Indiana, on _____, the _____, day
of _____, 19_____, at _____ o'clock _____ M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Schmidt,
~~seconded by _____~~, and duly adopted, placed on its passage.
PASSED ☒ LOST ☐ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	4	4		1
BRADBURY		✓		
EDMONDS		✓		
GiaQUINTA	✓			
HENRY	✓			
LONG	✓			
LUNSEY		✓		
RAVINE				✓
SCHMIDT	✓			
TALARICO		✓		

DATED: 12-8-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. _____

on the _____ day of _____, 19____

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on

the _____ day of _____, 19____,

at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,

19____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR